



INDEPENDENT MONITORING BOARD

for

THE GLASGOW & EDINBURGH SHORT TERM HOLDING FACILITIES

ANNUAL REPORT

for the third operational year

1ST FEBRUARY 2012 to 31 JANUARY 2013

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1. The Role of the IMB

1.1 The Independent Monitoring Board (IMB) for the Glasgow and Edinburgh Short Term Holding Facilities (STHFs), although based in Scotland, is appointed by and has a duty to report to the UK Home Office Immigration Minister, immigration being reserved to Westminster.

1.2 The duties of IMBs appointed to monitor STHFs (commonly known as holding rooms) are not yet laid down in statute but the general principles of independent monitoring apply as they have been developed in Immigration Removal Centres (IRCs) and prisons.

1.3 Fundamentally, the role of the IMB is to monitor the welfare of those in detention by observing their treatment and the environment in which they are detained. Members have unrestricted access to all detainees and to all designated Immigration Facilities. They are free to make unannounced visits and to speak in private to any detainee in detention (where it is deemed safe to do so). They do not become involved in the immigration status of those in detention unless there are reasons to doubt the legal continued detention of individuals.

1.4 The IMB has throughout the period of this Report monitored the non-residential Holding Facilities (commonly known as holding rooms) at Glasgow Airport, Edinburgh Airport and the Festival Court Reporting Centre in Glasgow and, since 1 December 2012, the residential Holding Facility (commonly known as short term holding facility) at Larne House, Larne, Northern Ireland.

1.5 A visits rota of the 8 members of the IMB currently in post has been established for each of the four Facilities and intimated to each of the United Kingdom Border Agency (UKBA)* and Tascor (formerly known as Reliance), which operates the Facilities under contract from UKBA. Currently four members visit Glasgow Airport and the Reporting Centre and the other four Edinburgh Airport. All members may visit Larne House. One unannounced visit a week is made to each of Glasgow and Edinburgh Airports and two visits a month to each of Festival Court and Larne House. (The frequency of visits has varied during the reporting period as required by the IMB Secretariat but they are presently fixed as stated and, although fewer than last year, as a result of the Secretariat's directions, all the required rota visits have been carried out). Members of each group may visit the Facilities monitored by the other group. (The Immigration Minister has approved that additional members be appointed to the IMB during 2013 and an open recruitment campaign started towards the end of 2012).

1.6 During visits members pay attention to the interaction between staff and detainees, the environment in which detainees are held, the manner in which staff handle situations, the maintenance of satisfactory records about the detention and the provision of services such as food and healthcare available to detainees. They

also monitor removals from the Facilities at airports, through the boarding gates and across the apron to the steps of an aircraft, and the manner in which they are conducted. They may also monitor custody vehicles and are empowered to accompany detainees to the IRC at Dungavel or to police custody suites , for purpose of monitoring escorting, if they consider that to be necessary or desirable.

1.7 Members will respond to serious incidents arising at the Facilities.

1.8 Members will attend Family Removals in accordance with a protocol agreed with UKBA & Tascor.

* In March 2013, outwith the period of this Report, UKBA, an arms length Government Agency, was abolished by the Home Secretary and its functions brought under the direct control of the Home Office . This Report will throughout refer to UKBA which was the relevant Agency at the material time.

2. Glasgow Airport

2.1 Overview:

2.1.1 The Holding Room area is situated airside adjacent to the Immigration Control desks at International Arrivals, on the floor below the Immigration Officers' suite. It consists of a small office area staffed by two Detainee Custody Officers (DCOs), the Holding Room, and a single male and female (shared) toilet of generous size with adjacent washroom facilities. The Holding Room is operated by Tascor. DCOs are on duty daily from 08.00 until 20.00 hrs. Detainees are not kept in the Holding Room overnight. If they are not landed (conditionally or unconditionally) they will be transferred to Dungavel IRC or to a police custody suite or may be removed on a return flight the same day.

2.1.2 There is a drinks machine (hot and cold drinks) and microwave oven in the area and a land telephone is available for use by detainees. Mobile phones may be used by detainees if they do not contain a camera. If they do, the DCOs can provide a "house" mobile into which the detainee can insert his or her own sim card.

2.1.3 There is no natural light in the Holding Room area and detainees have no access to fresh air. They are not permitted to smoke. There are no showers or beds although blankets, pillows and towels can be provided.

2.1.4 Seating is reasonably comfortable and there is reading material in various languages for both adults and children, including The Bible and the Koran. A prayer mat can be provided on request.

2.2 Operational experience & detainee numbers:

2.2.1 As we have noted in previous Reports the IMB is pleased to record that detainees are respectfully and efficiently looked after by both UKBA and Tascor staff. The DCOs are professional and friendly, an attitude which helps generate a relaxed atmosphere, albeit some detainees are naturally anxious and distressed. Whenever members have raised issues with UKBA and Tascor at the the Holding Room the staff have invariably responded quickly and positively. There have been no complaints from detainees against any UKBA staff or Tascor DCOs.

2.2.2 Members of the IMB speak to detainees to explain their role and the feedback has invariably been positive so far as detainees' treatment and welfare is concerned.

2.2.3 The number of detainees held in the Holding Room in the period covered by this Report is shown in the Statistics (Section 8).

2.3 Issues: See Section 6.

3. Edinburgh Airport

3.1 Overview:

3.1.1 The present Holding Room which was opened in about 2009, replacing one which was not fit for purpose, is located adjacent to International Arrivals in a suite below the Immigration Officers' office. It is staffed by two Tascor DCOs from midday until midnight daily. Like the one at Glasgow Airport (2.1.1) it is a non-residential Facility.

3.1.2 The Holding Room area consists of a spacious control room occupied by the DCOs with an observation window into the main Holding Room. An unlocked door from that room leads into a second, smaller, room which is used as a family room for adults with children. Both rooms are provided with a TV and extensive reading material in various languages, including the Bible and Koran. The smaller room has a baby-changing table which folds against the wall and toys and books for children. Tascor have provided information booklets currently in 11 languages.

3.1.3 There are two cubicles adjacent to the Holding Room where detainees are searched and a lockable cupboard for their property.

3.1.4 There are separate male and female toilets both accessed from within the main Holding Room. The toilets themselves are very modern and up to date but neither contains a shower. Disabled detainees in wheelchairs can access the staff toilet in the control room.

3.1.5 Neither of the two Rooms has a bed although it is possible to lie along the bench seating beside the tables. Blankets and pillows are available if requested.

3.1.6 There is a drinks machine and microwave cooker. Hot and cold food is provided in the form of dry packs and meal packs. If a detainee wants food of a type which is not stocked the DCOs will go landside and purchase it at Tascor expense. Members regularly check that all meal packs are in date.

3.1.7 Although the Rooms are bright there is no natural light. Detainees have no access to fresh air and they are not permitted to smoke. The whole area is well ventilated, artificially, with trunked heating and air conditioning.

3.1.8 A CCTV system covers the whole area and monitor screens are located in the DCOs' control room.

3.1.9 The Rooms are cleaned daily by contractors and are kept very clean and tidy.

3.1.10 A corridor separates the Holding Room from two UKBA interview rooms and a fingerprint room. One of the interview rooms contains a phone from which access to interpreters can be obtained using the Big Word system.

3.1.11 Tascor has been moving away from keeping paper records. It is steadily progressing towards keeping all its records on computer. The IMB has access to all records, whether on paper or on computer.

3.2 Operational experience & detainee numbers:

3.2.1 The members' general experience at Edinburgh Airport is similar to that at Glasgow Airport (Section 2.2.1 and 2.2.2 above) and need not be repeated here.

3.2.2 The number of detainees held in the Holding Room in the period covered by this Report is shown in the Statistics (Section 8).

3.3 Issues: See Section 6.

4. The Reporting Centre, Festival Court, Glasgow

4.1 Overview:

4.1.1 The Holding Room is located in Building No 2 of a complex of three modern buildings occupied by UKBA at Festival Court, Brand Street, Ibrox, Glasgow. The Reporting Centre is where persons who have been temporarily admitted to the UK and are resident in Scotland are required to report periodically. Some of them are asylum seekers awaiting decisions about their status. The Holding Room is used by people, in the main, detained on reporting, detained during an operational enforcement visit or who are required for interview from an Immigration Removal Centre (IRC). Members of the IMB gain access to the Holding Room after first entering the complex by Building No 1 where they pick up a Proximity Pass at Reception which allows them to pass through the buildings.

4.1.2 The Holding Room area consists of a control room occupied by two Tascor DCOs on one side of which there is an observation window overlooking the Holding Room itself. The Holding Room is staffed from 09.00 until 17.00 Monday to Friday. It is a non-residential Facility.

4.1.3 There is no drinks machine but hot drinks can be provided using a kettle and there are cartons of cold water in the fridge. There is stock of snacks and meals. A microwave oven enables meals to be heated. The TV set in the Holding Room is controlled by the DCOs from outside the Holding Room.

4.1.4 The Holding Room itself is quite small. It contains 6 hard individual plastic seats fixed to the floor close to a table. The room contains two toilets which are cubicles in each corner of the back of the Room, one male and one female. As noted in our first Annual Report UKBA undertook substantial improvements to the accommodation, including toilets, during the period covered by our second Report. Whereas formerly there was nowhere for a detainee to lie down a soft bench was placed at the rear of the room, making it possible for one detainee to lie down but, as noted in last year's Report it is too short for anyone who is taller than medium height. The toilet arrangement, whilst greatly improved by extending the doors and partitioning, is still less than ideal as the bowls have no seats and are made of metal, providing no noise insulation. This is not a dignified solution. There is a baby changing table, and magazines in various languages are on hand. A prayer mat is available on request.

4.1.5 Like the two other non-residential Holding Rooms which the IMB monitors there is no fresh air and smoking is not permitted. There is no natural light.

4.2 Operational experience & detainee numbers:

4.2.1 The members' general experience at Festival Court is similar to that at Glasgow Airport (Section 2.2.1 and 2.2.2) and need not be repeated here.

4.2.2 The number of detainees held in the Holding Room in the period covered by this Report is shown in the Statistics (Section 8).

4.3 Issues: See Section 6.

5. Larne House, Larne, Northern Ireland

5.1 Overview:

5.1.1 The STHF is a brand new Facility which opened in July 2011. It is located within the Police Station compound. It is a residential Facility and the only designated Facility in Northern Ireland where immigration detainees may be held. Persons may be detained there for a maximum of 7 days. Thereafter they must either be released (unconditionally or temporarily), removed from NI or transferred to an IRC on the UK mainland, there being no IRC in the Province. Prior to the Facility being opened detainees were kept in PSNI Custody Suites where monitoring was carried out by NI Independent Custody Visitors. The Home Office Immigration Minister appointed the IMB to monitor the Facility towards the end of 2012.

5.1.2 The Facility is managed by Tascor staff, usually a team (shift) of 6 DCOs working under a Duty Operation Manager (DOM). There is a mix of male and female officers. A total of 24 DCOs work (4 days on and 4 days off) in 4 shifts on a 24 hours, seven days a week, 365 days a year basis. There is no UKBA presence in the Facility. If there is a detainee that can not be managed after already being accepted at Larne House then there are contingencies and plans in place to ensure that the individual is moved to a more suitable location. In the first instance this would always be to the mainland and a long term IRC. Only in exceptional circumstances would police stations be used. There have been no such cases since the Facility was opened. Families with young children will not be detained but given Temporary Admission with a direction to report to Drumkeen Reporting Centre in Belfast.

5.1.3 The Facility can accommodate up to 19 detainees in 10 bedrooms, some single and some shared. Male and female bedrooms are located apart. The bedrooms are spartan, containing only a bed and wardrobe, with no wall decoration or reading lamp. The wooden edge of the bed is raised above the mattress making it very uncomfortable to sit there. There being no seat or table the detainee has no option but to be out of his or her room most of the time (if not sleeping or resting) and sit in the Recreation Room. But if the TV is on or the 2 computers are being used by other detainees there is little scope for peace and quiet.

5.1.4 The Facility is fresh, clean, well decorated and bright. It is cleaned by contractors daily and given a deep clean every few months. Although there is no natural light throughout, the eco-lighting system is very effective and efficient. There are no light switches and when areas are not in use the lighting reduces to a low lux level.

5.1.5 The Recreation Room, which is quite small, offers a TV with 4 terrestrial channels, a selection of DVDs, books newspapers and magazines in various languages. English language newspapers are provided daily, those in other

languages tending to be older and not changed so frequently. There are 2 computers with limited access to the internet. The seating presently consists of hard plastic chairs bolted to the floor in two rows opposite the TV screen. After its first visit the IMB suggested that it would be good to furnish the Room with some soft seating and this is being attended to. UKBA is also considering putting some kind of soft seating in the bedrooms as the IMB has requested and Tascor are leading on this..

5.1.6 Other facilities include –

- Reception, offices and Staff Room (adjacent to but out with the residential part of the Facility)
- Interview Rooms
- A Custody Office for use by a Tascor manager, containing a small “shop” selling basic things like soap, cigarettes etc, and being the bedding store
- An outside Exercise Area where detainees, under DCO supervision, may smoke at limited times and generally have access to fresh air
- Showers and toilets
- A multi-faith Prayer Room (with various prayer mats and Korans),
- A Dining Room/Kitchen Area which has a number of tables each having four fixed seats
- A hot and cold drinks machine
- All day supply of cereals, milk and fruit: with the provision of hot meals prepared by DCOs from frozen/chilled packs using microwave and other ovens
- A washing machine and drier

5.1.7 When a detainee is admitted he or she will be assessed for suitability to be detained. The nurse on duty would also undertake a review of any medications taken in with the individual. Subsequent assessments might identify any further medication required. There is a fully qualified nurse on duty all the time.

5.1.8 After being admitted to the secure residential part of the Facility detainees have freedom of movement and association within all areas except to the Custody Office which is locked. As noted above access to the Exercise Area is subject to supervision.

5.1.9 Should any detainee be admitted without adequate clothing he/she can be issued with a pack containing basic underwear and tracksuit-type outer garments

5.1.10 Detainees may use their own mobile phones so long as they are not fitted with a camera or have internet access. Otherwise they can be issued with a simple phone without a camera which will be returned when the detainee leaves.

5.2. Operational experience & detainee numbers:

5.2.1 This is the only residential Facility monitored by the IMB. Whereas persons held at the non-residential Facilities at the airports and Glasgow Reporting Centre will typically be detained for only a few hours those detained at Larne House can be there for up to a week if removal directions are set. Thus there is a greater opportunity for interaction between the DCOs and detainees. And as the Facility is operational 24/7 and able to accommodate up to 19 persons there is clearly a need to have more staff on duty (see 5.1.2). Our experience after making only a few visits during the period is that the DCOs demonstrate an extremely professional, caring and friendly attitude towards the detainees and go out of their way to make the detainees' stay as comfortable and stress-free as possible. During our visits we have spoken to as many English-speaking detainees as possible. Whilst obviously none of them wants to be there we were heartened to find a generally relaxed and unapprehensive environment. From our observation this is in great part down to the positive way in which they are treated by the DCOs. There was no record of any complaint having been made to or against any of the DCOs and the detainees themselves confirmed that they were content with the manner in which they were treated.

5.2.2 The number of detainees held in the Holding Room in the period covered by this Report (December 2012 through January 2013) is shown in the Statistics (Section 8).

5.3 Issues: See Section 6.

6. Issues

6.1 Persistent failure by Border Agency Immigration Officers properly to complete Forms IS 91: In last year's Annual Report we raised the issue of Immigration Officers (IOs) not completing an important part of the Form. The IS 91 is the authority to detain issued by IOs to Tascor DCOs authorising them to detain a person in the Holding Room. It is thus a fundamentally important document. Part 3 of the Form, headed "Risk Factors", contains the following warning/notice from the IOs who sign the forms to the Tascor DCOs –

"It is considered that this detainee may require special monitoring or supervision due to: (PLEASE STATE CLEARLY IF NO SPECIAL CONDITIONS/RISK FACTORS ARE IDENTIFIED) National Security Case, Serious Criminal Activity, Known Associations. Violence toward or Assaults on Others, Escape Attempts, Suicide/Self Harm Risk, disruptive Behaviour, fluid Refusal, Food Refusal, Psychiatric Illness, Disability, Pregnancy, Other Medical Concerns, Minor, Other & None" (and tick boxes are shown against each of these categories) –

and provides space for comments and details of any Medication.

Presumably the purpose of the Instruction is to give relevant warning/notice to Tascor DCOs in the interests of their and the detainees' health and safety and, indeed that of visiting IMB members.

After the submission of our last Annual Report UKBA issued an Action Plan in July 2012, approved by the Minister, which stated that the IMB's concerns on this matter were accepted and that

"This (our concern) has been raised with the relevant staff at the holding rooms and UK Border Agency are confident that paperwork is now issued before detentions take place. We are continuing to monitor accurate completion of forms and provide feedback to associated offices where necessary."

Despite this assurance we have found that during the period of this Report UKBA IOs failed on 48 occasions to complete Part 3 of forms – 20 at Edinburgh Airport, 25 at Glasgow Airport, 2 at Festival Court and 1 at Larne House.

We have raised the issue with, amongst other UKBA staff, the Deputy Director, Detention Services, UKBA Enforcement & Crime Group and endeavoured to have UKBA set up a system promoted by the Heathrow Airport IMB whereby an IS 91 could not be issued without the form being checked and countersigned by a Chief Immigration Officer (CIO). This does not seem to have been implemented. Certainly we have not seen any evidence of countersigning. We keep receiving assurances

that senior personnel take the issue seriously and will try to ensure that the forms are properly completed but the failures continue.

We conclude that no one in UKBA seems to be able to secure compliance despite their efforts to do so..

The completion of these Forms is not an academic exercise and whilst there has been some improvement in recent months there are still too many failures.

6.2 Family Removals: The IMB was concerned to observe the removal of families with young children (this, against the background whereby children are no longer detained but such families are granted Temporary Admission to the UK and housed in the community). We agreed a protocol with Tascor that we would be given prior notice of a family removal, especially where this would follow an enforcement visit. In the period there were 7 family removals of which we are aware, 5 before the protocol was agreed and 2 thereafter. In neither of these latter 2 cases was the IMB given notice with the result that a member did not attend those Removals

6.3 Observation window in the Glasgow Airport Holding Room: The IMB had a concern that detainees could see information on the DCOs computer because of where, and the angle at which, it was sited. Various options were considered to resolve this e.g. installation of frosted glass - but that would interfere with the DCOs ability to observe a detainee - to moving the computer etc. (Since the end of the reporting period the issue has been resolved by moving the computer).

6.4 Mixed gender of DCOs: In last year's Annual Report we noted that on several occasions there had been no female DCO on duty: and that this could result in delay in processing a female detainee as male DCOs were not permitted to carry out a full body search of a female. The UKBA Action Plan referred to accepted our concern in principle and stated –

“Permanent staffing of the holding room are conducted with male and female DCOs. When covering holidays and sickness at the holding rooms every effort is made to keep this gender mix in place however this is not always possible. Recruitment of DCOs is underway in Scotland and one of the aims of that is to increase the ratio of female DCOs to help alleviate the issue of female DCO availability”

Unfortunately, the issue we raised last year has not been resolved. There have been a number of instances, especially at the Edinburgh Airport Holding Room where only male DCOs have been on duty. Tascor accepts that it has had difficulty in employing sufficient numbers of female DCOs

6.5 Escorts with no airside passes: In recent months a number of new Tascor vehicle escorts have not had airside passes which has resulted in one or both of the two DCOs in the Edinburgh Airport Holding Room having to leave the Holding Room

and go landside to bring the escort airside either to deliver or collect a detainee. We have experienced similar at Glasgow Airport.

6.6 Toilets in Festival Court Holding Room: In previous Annual Reports we have referred to the inadequacy of the toilets, particularly as both male and female toilets are sited in cubicles in the same room . The UKBA Action Plan referred to accepted our concern in principle and stated –

“The current toilet provision falls within the recommended standards for holding room facilities. UKBA will look into the possibility of an appropriate solution”

We are surprised that the facilities are deemed to be of an acceptable standard. That is certainly not the view of the IMB. We would like to be informed as to what remedial possibilities UKBA have looked at with a view to finding “an appropriate solution”

6.7 Seating at Larne House: Following our first scoping visit to the Facility in November 2012 we recommended that soft seating be provided in the Recreation Room and bedrooms. Tascor and UKBA have been very supportive of the recommendation and steps are being taken to install such seating in the Recreation Room in the first instance: and this may be extended to providing similar seating in the bedrooms. Provision of both types of seating will go a long way to making both the public room and the bedrooms more comfortable.

6.8 The soft sofa in Festival Court: See 4.1.4. We recommend that a more suitable – longer – sofa be provided in place of the current one which is too short.

6.9 Smoking, access to fresh air and showers: As we have noted in previous Reports detainees in the Airports and Festival Court Holding Rooms are not permitted to smoke, they have no access to fresh air and no showers are provided. Whilst we are only too well aware of the response to our earlier requests we feel bound to restate our concern that no one in authority seems to be willing to seek a solution. Showers are being installed in at least one of the Heathrow Airport Terminals. Will it not be possible to do likewise at Glasgow & Edinburgh?

7. Other matters

7.1 The Short Term Holding Facilities Rules: There are presently no Rules governing the operational requirements, standards and duties to which the IMB should adhere. The IMB was informed in March 2010 that Rules would be issued by UKBA later that year, a draft having been circulated during 2009 (before the IMB was established). That did not happen. Rules were then promised for later in 2011. Again, that did not happen. They have still not been issued and are now even longer overdue. An assurance was recently given by UKBA that draft Rules will be issued for consultation in May 2013.

7.2 Recruitment: As noted in 1.5 above the IMB has been authorised by the Immigration Minister to recruit additional members. This is partly because the IMB now has four Facilities to monitor, one of which is outwith Scotland. A visit to Larne takes a whole day, with flights from Glasgow & Edinburgh to Belfast in the morning and return in the evening. An open recruitment campaign started in November 2012. There were a number of applications and interviews were to be arranged for dates beyond the end of the reporting period. We hope that additional members will be appointed during 2013.

8. Statistics

(last year in brackets)

8.1 Members at the start of the reporting period	8 (8)
8.2 Members at the close of the reporting period	8 (8)
8.3 Board meetings held	12 (12)
8.4 Member attendances at Board meetings	81 (80)
8.5 Visits to Glasgow Airport	38 (52) *
8.6 Visits to Edinburgh Airport	43 (62) *
8.7 Visits to Festival Court	33 (50) *
8.8 Visits to Larne House	4 (-)
8.9 Detainee movements at Glasgow Airport	277 (274)
8.10 Detainee movements at Edinburgh Airport	283 (267)
8.11 Detainee movements at Festival Court	208 (158)
8.12 Detainee movements at Larne House (2 months only)	75 (-)

* The reduction in visit numbers at Glasgow, Edinburgh and Festival Court were due to a temporary reduction in visit allocations during the reporting period. All allocated rota visits were undertaken by members.

9. Summary

- a. We have now been operational for over three years and this is our Third Annual Report. We have highlighted some issues and made some recommendations but we continue to find both UKBA and Tascor to be committed to the welfare of the detainees held in custody in the Holding Rooms. As we noted in our previous two Annual Reports the Rooms are well and professionally managed by caring DCOs: and we continue to have full, if sometimes belated, co-operation from UKBA and Tascor at all levels. Nevertheless, some issues, especially that of UKBA's failure to complete important warrants, are a continuing concern. We will want to see a significant improvement in performance on the IS 91 issue in the coming year.

Bruce Logan
Chairman

May 2013